

§ 95.4 Limitations on mandatory licenses

(a) If the Administrator, or the Administrator's designee, decides to apply to the Attorney General for a mandatory patent license in accordance with § 95.3, the application shall include a proposed patent license with the following limitations:

(1) The scope and duration of the patent license shall be limited to that necessary to permit the proposed licensee to comply with the requirements the Act;

(2) The patent license shall be non-exclusive;

(3) The patent license shall be non-assignable, except with that part of the enterprise or goodwill that enjoys the license;

(4) The patent license shall be for use of the licensed technology in the United States only;

(5) The patent license shall extend only to those uses necessary to enable

the licensee to comply with sections 111, 112 or 202 of the Act (42 U.S.C. 7411, 7412 or 7521);

(6) The patent license shall provide for termination, subject to adequate protections of the legitimate interests of the licensed party, when the circumstances that made the compulsory patent license necessary cease to exist and are unlikely to recur; and

(7) The patent license shall provide for adequate remuneration that takes into account the economic value of the license.

(b) The Administrator, or the Administrator's designee, may decide as appropriate to include additional conditions, terms or limitations on the scope of the patent license for which application is made to the Attorney General.

PARTS 96–99 [RESERVED]**SUBCHAPTER D—WATER PROGRAMS****PART 100—[RESERVED]****PART 104—PUBLIC HEARINGS ON EFFLUENT STANDARDS FOR TOXIC POLLUTANTS**

Sec.

104.1 Applicability.

104.2 Definitions.

104.3 Notice of hearing; objection; public comment.

104.4 Statement of basis and purpose.

104.5 Docket and record.

104.6 Designation of Presiding Officer.

104.7 Powers of Presiding Officer.

104.8 Prehearing conferences.

104.9 Admission of evidence.

104.10 Hearing procedures.

104.11 Briefs and findings of fact.

104.12 Certification of record.

104.13 Interlocutory and post-hearing review of rulings of the Presiding Officer; motions.

104.14 Tentative and final decision by the Administrator.

104.15 Promulgation of standards.

104.16 Filing and time.

AUTHORITY: Secs. 501 and 307(a) of the Federal Water Pollution Control Act, as amend-

ed (33 U.S.C. 1251 *et seq.*, Pub. L. 92–500, 86 Stat. 816).

SOURCE: 41 FR 17902, Apr. 29, 1976, unless otherwise noted.

§ 104.1 Applicability.

This part shall be applicable to hearings required by statute to be held in connection with the establishment of toxic pollutant effluent standards under section 307(a) of the Act.

§ 104.2 Definitions.

As used in this part, the term:

(a) *Act* means the Federal Water Pollution Control Act, as amended, 33 U.S.C. 1251 *et seq.*, Public Law 92–500, 86 Stat. 816.

(b) *Administrator* means the Administrator of the Environmental Protection Agency, or any employee of the Agency to whom the Administrator may by order delegate his authority to carry out his functions under section 307(a) of the Act, or any person who shall by operation of law be authorized to carry out such functions.